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R E M A R K S

The Examiner has rejected claims 1, and 23 to 33 under 35 USC § 112, paragraph 2 as being indefinite. Regarding claims 28 to 33, Applicants have amended these claims to eliminate the term "adapted" and replace it with the term "executed steps," as suggested by the Examiner. Regarding claims 1, and 23 to 27, Applicants have amended these claims to clarify that an apparatus is being claimed. Thus, Applicants assert that the Examiner's Section 112 rejections are overcome by the amendments and respectfully request withdrawal of these rejections. Note that Applicants' amendments are not intended to change the scope of the claims.

The Examiner has rejected claims 9 to 22 under 35 USC § 101 as being directed to non-statutory subject matter because the claims are not limited to a practical application. Applicants have herein amended each of the independent claims among claims 9 to 22 to specify that the scheduling queue is managed based on the calculated scaling factor which is clearly a practical application of the calculated scaling factor. Thus, Applicants assert that the Examiner's Section 101 rejection is overcome by the amendments and respectfully request withdrawal of this rejection. Note that Applicants' amendments are not intended to change the scope of the claims.

Applicants believe the claims are now in condition for allowance, and respectfully request reconsideration and allowance of the same. Applicants respectfully request that the Examiner contact Applicants' representative at the phone number below if any issues remain.


Applicants have included herewith a request for extension of time and authorization to charge Applicants' representatives'

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deposit account the appropriate fee. Applicants do not believe any other additional fees are due regarding this Amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,



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Tarrytown, New York